

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

BILLINGS DIV.

2009 OCT 30 PM 3 04

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

EARLINE COLE, as an individual)
and as personal representative of the)
ESTATE OF STEVEN)
BEARCRANE, CLETUS COLE, as)
an individual and as personal)
representative of the ESTATE OF)
STEVEN BEARCRANE,)
PRECIOUS BEARCRANE, minor)
child, VERONICA SPRINGFIELD,)
as an individual and as personal)
representative of the ESTATE OF)
ROBERT SPRINGFIELD, and)
VELMA SPRINGFIELD, minor)
child,)

Plaintiffs,)

v.)

FEDERAL BUREAU OF)
INVESTIGATIONS, SALT LAKE)
CITY FIELD OFFICE, UNITED)
STATES ATTORNEY'S OFFICE)
FOR SOUTH DAKOTA, MARTY J.)
JACKLEY, in his official capacity,)
ERNEST WEYAND, in his)
individual and official capacity, and)
MATTHEW ORAVEC, in his)
individual capacity,)

Defendants.

Defendants have filed a Motion to Dismiss Defendant Marty J.

Jackley or, Alternatively, Motion to Substitute Acting United States

Attorney. Court's Doc. No. 30. Plaintiffs respond that they have no objection to dismissing Jackley from this matter and believe that because they are suing the U.S. Attorneys Office for South Dakota as an entity, there is no need to substitute the Acting U.S. Attorney. Court's Doc. No. 34.

There being no objection from Plaintiffs, IT IS ORDERED that Defendants' Motion to Dismiss Defendant Marty J. Jackley (Court's Doc. No. 30) is GRANTED.

Dated this 30th day of October, 2009.

/s/ Richard F. Cebull

Richard F. Cebull
United States District Judge